

### Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated August 4, 2004, indicated that claims 1-4 and 6-24 are allowed; claims 5, 6, 18 and 19 are objected to for informalities; and claim 5 is rejected under 35 U.S.C. § 103(a) over *Sakurai et al.* (U.S. Patent No. 5,594,756) in view of applicant's background of the invention.

Applicant appreciates the allowance of claims 1-4 and 6-24.

Regarding the objection to claims 6, 18 and 19, each of the claims has been amended to expand the objected-to acronyms. The objected-to acronym has been removed from claim 5, thus the objection to claim 5 is moot. Applicant submits that these amendments do not affect the allowability of the claims and overcome the objection. Applicant accordingly requests that the objection be removed.

Applicant respectfully traverses the Section 103(a) rejection of claim 5 because the Office Action fails to present evidence of motivation or suggestion that the skilled artisan would combine the cited teachings in the manner asserted. The Office Action must present particular findings as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these component teachings for combination in the manner claimed. *In re Kotzab*, 217 F.3d 1365 (Fed. Cir. 2000). The Office Action fails to provide any evidence in the '756 reference that a skilled artisan using the waveform equalization system of the '756 teachings would employ the Home Phone Network Alliance to resolve in-home, phone line-based networking problems. Without a showing of the requisite evidence from the '756 reference, the Section 103(a) rejection is improper.

Notwithstanding the above traversal, claim 5 now more expressly sets forth the intended limitations as supported, *e.g.*, by example embodiments at page 15 of the Specification, with the HPNA signal now in claim 25. Claims 26-27 relate to claim 1 and cover certain embodiments at page 15. Apparatus claims 28, 29, 30, 31 and 32 respectively correspond, as linking claims pursuant to MPEP § 806.05(e), to method claims 1, 2, 5, 26 and 27. Applicant submits that these new claims, and amended claim 5,

are allowable over the cited art because the subject matter (involving, *e.g.*, calculation of the data signal) set forth by these newly presented claims is not taught by the cited art.

In view of the above discussion, Applicant believes that the rejection has been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

CRAWFORD MAUNU PLLC  
1270 Northland Drive, Suite 390  
St. Paul, MN 55120  
651/686-6633

Dated: October 8, 2004

By: 

Robert J. Crawford  
Reg. No. 32,122